

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ADAM SHAW, et al.,
Plaintiffs,

v.

WIZARDS OF THE COAST, LLC,
Defendant.

Case No. [5:16-cv-01924-EJD](#)

**ORDER GRANTING PLAINTIFFS’
ADMINISTRATIVE MOTION**

Re: Dkt. No. 51

On June 14, 2017, Plaintiffs filed a motion for conditional class certification and to facilitate notice. Dkt. No. 46. Plaintiffs noticed the motion for November 9, 2017, which was the Court’s first available hearing date.

Plaintiffs now ask the Court to toll the statute of limitations for claims of putative class members until the Court resolves the class certification motion (or, alternatively, to hear the motion sooner). Dkt. No. 51. Under the Fair Labor Standards Act (“FLSA”), an action must be “commenced within two years after the cause of action accrued, except that a cause of action arising out of a willful violation may be commenced within three years after the cause of action accrued.” 29 U.S.C. § 255(a). In collective actions under the FLSA, the action is “commenced”

1 when non-named plaintiffs file written consents to become parties. 29 U.S.C. § 256(b); Guifu Li v.
2 A Perfect Franchise, Inc., No. 5:10-CV-01189-LHK, 2011 WL 4635198, at *15 (N.D. Cal. Oct. 5,
3 2011).

4 Plaintiffs argue that many putative class members' claims will be extinguished or truncated
5 if the Court does not resolve the motion for conditional class certification before November. Dkt.
6 No. 15 at 4–5; see also Hosking v. New World Mortg., Inc., 602 F. Supp. 2d 441, 448 (E.D.N.Y.
7 2009) (noting that tolling is appropriate in FLSA actions “where the delay of the court in ruling on
8 the collective action motion caused claims to become time-barred”).

9 The Court agrees. For good cause shown, Plaintiffs' administrative motion (Dkt. No. 51) is
10 GRANTED. The statute of limitations shall be tolled for claims of putative class members until
11 the Court resolves Plaintiffs' motion for conditional class certification (Dkt. No. 46).

12
13 **IT IS SO ORDERED.**

14 Dated: July 10, 2017



EDWARD J. DAVILA
United States District Judge

United States District Court
Northern District of California